

**CITY COUNCIL MEETING
CITY OF WATERTOWN
November 21, 2011
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER JR.
COUNCIL MEMBER TERESA R. MACALUSO
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **MARY M. CORRIVEAU, CITY MANAGER
CITY ATTORNEY ROBERT J. SLYE**

City staff present: Jim Mills, Ken Mix, Kurt Hauk, Elliott Nelson, Eugene Hayes, Beth Morris

The City Manager presented the following reports to Council:

- Authorizing Public Auction for Sale of City Owned Properties
- Authorizing Public Sale of City Owned Tax Sale Certificates
- Approving Pole Attachment Agreement, National Grid
- Authorizing Acceptance of Sidewalk Reconstruction Project, PIN 7805.35
- Authorizing Professional Services Supplemental Agreement for Preliminary Design of the Factory Street Reconstruction Project, PIN 775315, AECOM
- Sidewalk Improvement Special Assessment Program, District No. 8
- Amending Sidewalk Improvement Special Assessment Program, District No. 7
- Approving Amendment No. 3 to the State Assistance Contract for Sewall's Island Environmental Restoration Program Grant
- Approving Amendment No. 3 to the Agreement for Professional Services With Lu Engineers for the Environmental Investigations on Sewall's Island
- Ordinance No 1 - An Ordinance Amending the Ordinance Dated September 6, 2011, Authorizing the Issuance of \$530,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Design for the Factory Street Reconstruction, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$650,000
- Ordinance No. 2 - Amending the Code of the City of Watertown Sections 310-1 Terms Defined, 310-26.1 Fences, And 310-27 Visibility at Corners
- Letter from the Development Authority of the North Country
- Sales Tax Revenue – October 2011
- Year-end Financial Report

- Stone Street and Meadow Street Intersection Report
- Aviary Reconstruction Revised Scope and Budget
- 2011 Autumn Cleanup Program
- 138 Court Street – Roof Drainage System

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of November 7, 2011 was dispensed and accepted as written by motion of Council Member Jeffrey M. Smith, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

COMMUNICATIONS

No communications were received.

PRIVILEGE OF THE FLOOR

S. G. Gates, 157 Dorsey Street, addressed the chair concerning his proposal of a public dog park. He stated that he has spoken with several Council Members and is hoping that this will be brought to the table soon so that he can work on arranging for the project's financing. In regards to the pending restrictions on the presence of dogs during public events, he commented that he feels this is a step backwards and the Farmers' Market incident is an isolated event.

RESOLUTIONS

Introduced by Council Member Roxanne M. Burns

WHEREAS the City of Watertown owns certain lots of land acquired at Tax Sale and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as follows:

<u>Parcel Number</u>	<u>Address</u>
11-12-130.001	VL Flower Avenue East
1-10-307.000	100 Alexandria Avenue
1-10-308.000	101 Alexandria Avenue
1-10-310.000	103 Alexandria Avenue
3-06-404.000	M30 Charles Street
3-06-403.000	M32 Charles Street
3-06-402.000	M34 Charles Street
3-06-405.000	M31 Cleveland Street
3-09-101.000	36 Stuart Street
1-24-202.000	59 Woodley Street
1-24-201.000	60 Woodley Street

And,

WHEREAS title said land has been retained by the City of Watertown, and

WHEREAS the City Council deems the properties to be excess and not required for any City purposes, and

WHEREAS the City Council desires to ensure that properties such as those listed above be brought into compliance with all applicable provisions of the New York State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 13 adopted by the Council, on June 6, 1977, the Comptroller of the City of Watertown be and he hereby is authorized to publish a Notice of Sale of the parcels of land above mentioned once a week for three (3) consecutive weeks in the official newspaper of the City of Watertown to the effect that said parcels of land will, at 6:00 p.m. on the 13th day of December, 2011, in the 3rd Floor City Council Chambers in the Municipal Building, 245 Washington Street, be offered individually for sale to the highest bidder and there present, under the conditions herein set forth:

The aforesaid parcels are conveyed, together with all rights and privileges affecting the same, and also together with all buildings, improvements and appurtenances located upon said described parcels, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to accept bids for said parcels, in an amount not less than the minimum price set below, subject to the rights of the said City Council to reject any and all bids, and

<u>Parcel Number</u>	<u>Address</u>	
11-12-130.001	VL Flower Avenue East	\$ 100
1-10-307.000	100 Alexandria Avenue	\$ 100
1-10-308.000	101 Alexandria Avenue	\$ 100
1-10-310.000	103 Alexandria Avenue	\$ 100
3-06-404.000	M30 Charles Street	\$ 100
3-06-403.000	M32 Charles Street	\$ 100
3-06-402.000	M34 Charles Street	\$ 100
3-06-405.000	M31 Cleveland Street	\$ 100
3-09-101.000	36 Stuart Street	\$ 100
1-24-202.000	59 Woodley Street	\$ 100
1-24-201.000	60 Woodley Street	\$ 100

BE IT FURTHER RESOLVED that the highest bidder deposit at least 10 per cent (10%) of the bid price at the same time of each said successful bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said parcels of land shall be then sold to the successful bidder for cash or certified funds only, and

BE IT FURTHER RESOLVED that the Notice of Sale, any offer to purchase, and any deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of the City's delivery of the deed to the buyer, the City shall have the right to seek reversion of title to the City, and

BE IT FURTHER RESOLVED that the said bids shall be submitted to the Mayor and City Council for their approval or rejection, and

BE IT FURTHER RESOLVED that the City reserves the right to withdraw any parcel prior to the public sale of said parcels.

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown is the owner of certain tax sale certificates on various lots of land as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as follows:

<u>Parcel Number</u>	<u>Address</u>	<u>Original Tax Sale Certificate Amount</u>
05-14-103.000	1543 State Street	\$ 3,615.81
01-17-210.001	451 Martin Street	\$ 1,608.97
01-17-209.000	465 Martin Street	\$ 1,766.77
04-27-409.000	985 Marble Street	\$ 262.09

and,

WHEREAS the City Council does not wish to take title to these properties,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 13 adopted by the Council, on June 6, 1977, the Comptroller of the City of Watertown be and he hereby is authorized to publish a Notice of Sale of the tax sale certificates for the land above mentioned once a week for three (3) consecutive weeks in the official newspaper of the City of Watertown to the effect that said parcels of land will, at 6:00 p.m. on the 13th day of December, 2011, in the 3rd Floor City Council Chambers in the Municipal Building, 245 Washington Street, be offered individually for sale to the highest bidder there present, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to offer for sale said tax sale certificates with the minimum bid starting at \$100 subject to the rights of the said City Council to reject any and all bids, and

BE IT FURTHER RESOLVED that the highest bidder deposit at least 10 percent (10%) of the bid price at the same time of each said bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said tax sale certificates shall be offered for sale for cash only, and

BE IT FURTHER RESOLVED that the said bids shall be submitted to the Mayor and City Council for their approval or rejection, and

BE IT FURTHER RESOLVED that the City reserves the right to withdraw any tax sale certificate prior to the public sale of said certificate.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea

Prior to the vote on the foregoing resolution, Council Member Butler commented that he does not want Council to lose sight of these properties. He asked Mr. Mills to report back to Council with the results of the auction as soon as possible.

James Mills, City Comptroller responded that Council will have to approve the bids from the auction and they would be presented at the first regular scheduled meeting after December 13th, 2011.

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown desires to display holiday decorations throughout the community, and

WHEREAS National Grid, owners of the street lighting system, wishes to permit civic organizations and/or municipal corporations to temporarily attach seasonal decorations, announcements and special-event notifications to their facilities, and

WHEREAS National Grid has asked the City to approve a Pole Attachment Agreement to cover the use of their facilities,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Pole Attachment Agreement, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City of Watertown hereby agrees to defend and indemnify National Grid from and against any and all claims for personal injury or property damage arising from the negligence of any of its officers or employees occurring in connection with the use of their facilities in accordance with this Agreement, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea

Introduced by Council Member Roxanne M. Burns

WHEREAS the New York State Department of Transportation proposes to reconstruct the NYS Route 3 structure over the Black River, PIN 7805.35, and

WHEREAS the State will include as part of the construction, reconstruction, or improvements of the above mentioned project the construction of sidewalks, pursuant to Section 349-c Cities of the New York State Highway Law, and

WHEREAS the State will provide for the construction of the above mentioned work, as shown on the contract documents relating to the project,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the reconstruction of sidewalks and the above mentioned work performed on the project and shown on the attached contract documents relating to the project and that the City of Watertown will maintain or cause to be maintained the relocated, reconstructed and/or constructed sidewalks performed as above stated and as shown on the contract documents, including the control of snow and ice, and

BE IT FURTHER RESOLVED that the City Manager is hereby directed to transmit four (4) certified copies of the foregoing resolution to: New York State Department of Transportation, 317 Washington Street, Watertown, NY 13601, Attn: Brian Baxter, P.E. and

BE IT FURTHER RESOLVED that City Manager, Mary M. Corriveau, is hereby authorized and directed to take any necessary steps to formalize acceptance of the project by the City.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea

Introduced by Council Member Roxanne M. Burns

WHEREAS a project for the reconstruction of Factory Street, PIN 775315, D032467 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended that calls for the apportionment of the cost of such program to be borne at the ratio of 80% Federal and 20% non-federal funds, and

WHEREAS on April 19, 2010 and October 18, 2010, the City Council adopted resolutions authorizing the Master Federal Aid Local Agreement and the Marchiselli Agreement,

respectively which provide \$752,000 and \$141,000 respectively for the costs of the Preliminary Engineering & Right-of-Way Incidentals, and

WHEREAS on September 6, 2011 City Council approved the professional services agreement for preliminary design of the Factory Street Reconstruction Project in the amount of \$500,000 with AECOM, and

WHEREAS after changes requested by the NYS DOT to the agreement format and scope of services, the project amount has increased to \$612,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby rescinds its prior approval of the Agreement with AECOM adopted on September 6, 2011, and

BE IT FURTHER RESOLVED that the City Council hereby approves the Professional Services Agreement between the City of Watertown and AECOM, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that approval of this resolution is contingent on the City Council approving a Bond Ordinance to cover the expenses associated with this project agreement, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea

Prior to the vote on the foregoing resolution, Council Member Butler referred to item 5 of the Architectural/Engineering Consultant Agreement and inquired if there is a lump sum fixed fee of \$45, 138 in place.

Kurt Hauk, City Engineer responded that the fee is based on a percentage of the total and will not change once the agreement is in place. He confirmed that the amount of \$45,138 is a percentage of the total \$612,000.

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS the City Engineering Department has inspected sidewalks within the City of Watertown, and

WHEREAS it has been determined that the condition of sidewalks on certain streets are in need of repair and/or replacement, and

WHEREAS the City Council of the City of Watertown feels it is in the overall public interest to provide property owners within the City of Watertown with an opportunity to pay for said repair/replacement work through a Special Assessment Program,

NOW THEREFORE BE IT RESOLVED that a Public Hearing will be held on Tuesday, January 3, 2012, at 7:30 p.m. at which time property owners included in the Special Assessment Program will have an opportunity to make comments on whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners, and

BE IT FURTHER RESOLVED that the City Engineering Department will send notices to all property owners notifying them of their inclusion in this year's program and that there will be a public hearing to consider whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners, and

NOW THEREFORE BE IT FURTHER RESOLVED that the properties included in the Sidewalk Special Assessment Program, District No. 8, are those detailed on the attached report.

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea

Introduced by Council Member Jeffrey M. Smith

WHEREAS on November 15, 2010, the City Council approved Sidewalk Special Assessment District No. 7, and

WHEREAS since that time, the City Engineering Department has completed a significant portion of the work on the Sidewalk Program for the 2011 construction year, but were unable to complete the entire program as initially presented to the City Council, and

WHEREAS the City Engineering Department is asking that the properties included in District No. 7 be amended to exclude those parcels they were unable to complete,

NOW THEREFORE BE IT RESOLVED that the properties enumerated on the attached list be removed from Sidewalk Special Assessment Program District No 7.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea

Introduced by Council Member Jeffrey M. Smith

WHEREAS the New York State Department of Environmental Conservation and the City of Watertown entered into a State Assistance Contract on April 22, 2008, as amended on February 25, 2010 and April 6, 2011, for the environmental remedial investigation on Sewall's Island, and

WHEREAS an interim remedial measure needs to be completed before closing out the investigation, and

WHEREAS the New York State Department of Environmental Conservation is proposing to amend the contract to provide an additional \$55,440 from the State, which must be matched by the City of Watertown with \$6,160, and

WHEREAS the State of New York has drafted Contract Amendment No. 3 which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that is hereby approves Amendment No. 3 to the State Assistance Contract for the Sewall's Island Environmental Restoration Program Grant, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute Amendment No. 3 on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea

Prior to the vote on the foregoing resolution, Mayor Graham inquired about the device currently operating on the island.

Kenneth Mix, City Planning Coordinator indicated that it is a generator running the pumps taking the contaminated water out of the ground. He stated that there are several wells drilled and the oil is being separated for disposal.

Mayor Graham asked if there is staff operating the machinery or if it runs on its own.

Mr. Mix explained that staff must check the pumps and generator occasionally to make sure they are functioning properly. He added that the machinery runs 24 hours per day and checks are only done when necessary.

Mayor Graham asked how long this process will need to be in place.

Mr. Mix noted that each day less oil is being removed from the water and he hoped this project would be completed soon.

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Council approved an Agreement for Professional Services for the Environmental Investigation on Sewall's Island with Lu Engineers on February 20, 2007, and amended the agreement on June 21, 2010 and April 18, 2011, and

WHEREAS the City of Watertown has been awarded additional funding through its State Assistance Contract for an Environmental Restoration Program Grant to complete interim remedial measures on Sewall's Island, and

WHEREAS a third amendment to the Agreement for Professional Services that increases Lu Engineers' fee for services to \$856,195.00 has been drafted,

NOW THEREFORE BE IT RESOLVED that the City Council approves Amendment No. 3 to the Agreement for Professional Services with Lu Engineers, which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute said Amendment on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea

ORDINANCES

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS, by ordinance dated September 6, 2011, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$530,000 bonds of said City to pay the costs of the design for the Factory Street reconstruction, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a class of objects or purposes, at an estimated maximum cost of \$530,000, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, the Council now wishes to increase the estimated maximum cost of the aforesaid class of objects or purposes from \$530,000 to \$650,000, an increase of \$120,000 over that previously authorized; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section A. The title and Sections 1 and 2 of the ordinance of this Council dated and duly adopted September 6, 2011, authorizing the issuance of \$530,000 bonds to pay the costs of the design for the Factory Street reconstruction, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a class of objects or purposes, at an estimated maximum cost of \$530,000, in and for the City of Watertown, Jefferson County, New York, is hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$650,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COSTS OF THE DESIGN FOR THE FACTORY STREET RECONSTRUCTION, IN AND FOR SAID CITY.

“

“Section 1. For the class of objects or purposes of paying the costs of the design for the Factory Street reconstruction, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$650,000 bonds of said City pursuant to the provisions of the Local Finance Law.

“Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$650,000 and that the plan for the financing thereof is by the issuance of the \$650,000 bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of bonds ultimately to be issued will be reduced by the amount of any State or Federal aid or any other revenue received by the City from other sources for such class of objects or purposes.”

Section B. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(2) Such obligations are authorized in violation of the provisions of the Constitution.

Section C. Upon this ordinance taking effect, the same shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This resolution is effective immediately.

Seconded by Council Member Council Member Jeffrey M. Smith and carried with all voting yea.

Motion for unanimous consent moved by Council Member Joseph M. Butler, Jr., seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS the Code of the City of Watertown, New York imposes restrictions upon the location, height, and type of fences which may be erected upon property within the City, and

WHEREAS the City Planning Board reviewed proposed amendments to Sections 310-1 (Terms defined; word usage), 310-26.1 (Fences) and 310-27 (Visibility at corners) of the Code of the City of Watertown at its November 1, 2011 meeting and made its recommendation on adoption, and

WHEREAS the Jefferson County Planning Board reviewed the proposed amendments pursuant to General Municipal Law Section 239-m, and

WHEREAS a public hearing was held on the proposed zoning ordinance amendments on Monday, December 5, 2011, after due public notice, and

WHEREAS the City Council has determined, pursuant to the State Environmental Quality Review Act, that there will not be any significant environmental impacts caused by the adoption of this ordinance, and

WHEREAS the City Council of the City of Watertown believes that it is in the best interest of residents of the City of Watertown to make the following changes to Chapter 310 of the City Code,

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Watertown, New York that following definitions are added to § 310-1. **Terms defined; word usage:**

FENCE – A constructed barrier of wood, masonry, stone, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

STREET LINE – A lot line separating a street from the abutting property.
and,

BE IT FURTHER ORDAINED that the following replaces the current § 310-26.1 in its entirety:

§ 310-26.1. Fences.

A. No person, firm or corporation shall commence the erection, construction, or alteration of any fence without first applying for, and obtaining, a fence permit from Code personnel for each such fence.

B. Application for a fence permit shall be made to Code personnel on forms provided by Code personnel and shall contain the information requested on such forms plus any additional information as may be determined as necessary by Code personnel for duly processing such application.

C. All applications shall be signed by the owner of the real property upon which such work is to be performed. Where such application is made by a person other than the owner, it shall be accompanied by written authorization of the owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

D. In all districts, except Light and Heavy Industrial Districts, no fence shall be more than six (6) feet in height, except as otherwise restricted below. In Light and Heavy Industrial Districts no fence shall be more than eight (8) feet in height.

E. Fences located less than twenty (20) feet from a street line shall not be more than four (4) feet in height, except in Light and Heavy Industrial Districts.

F. The height of a fence shall not include post finials extending above the fence panels.

G. Fences located less than twenty (20) feet from a street line shall have open spaces equal to at least 50% of the area of each panel, except as otherwise restricted below.

H. Fences located less than five (5) feet from a street line shall have the open spaces equal to at least 80% of the area of each panel.

I. Fences located less than twenty (20) feet from a street line shall not be located less than five (5) feet from a neighbor's driveway or a shared driveway.

J. The side of the fence facing away from the fence owner's property shall have a finished quality.

K. Chainlink fences shall not be located less than twenty (20) feet from a street line, except in Light and Heavy Industrial Districts.

L. Electric fences shall not be allowed.

M. Barbed-wire fences shall not be allowed, except on top of chain link fences at least six (6) feet in height in Light and Heavy Industrial Districts.
and,

BE IT FURTHER ORDAINED that the following replaces the current § 310-27 in its entirety:

§ 310-27. Visibility at corners.

In any Residence District, no structure (other than a fence meeting the requirements of § 310-26.1) or shrubbery over three (3) feet in height shall be maintained on any corner lot within a triangular area formed by street lines to the points on such lines a distance of 40 feet from their intersection and a line connecting such points.
and,

BE IT FURTHER ORDAINED that this Amendment to the City Code shall take effect as soon as it is published once in the official newspaper of the City of Watertown, New York, or printed as the City Manager directs.

Seconded by Council Member Council Member Jeffrey M. Smith

Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing ordinance for Monday, December 5, 2011 at 7:30 P.M. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

** **

Council discussed the following topics:

Letter from the Development Authority of the North Country

Development Authority of the North Country sent a letter to Council in regards to the continuation of the existing Municipal Solid Waste (MSW) Tipping Fees at the Authority's Regional Solid Waste Management Facility.

Sales Tax Revenue – October 2011

The Sales Tax Revenue Report for October 2011 was given to Council for review.

Year-end Financial Report

The Year-end Financial Report was on hand for Council to review.

Stone Street and Meadow Street Intersection Report

A report on the Stone Street and Meadow Street Intersection was presented to Council for review.

Aviary Reconstruction Revised Scope and Budget

Mary L. Cecil and Benjamin Talbot, Bernier Carr and Associates presented Council with the revised plans for the Aviary.

Ms. Cecil stated the new design stayed in the footprint of the original building and includes smaller restrooms, janitor room, coat area, mechanical room, storage area and assembly area. She noted that Mr. McWayne needs to set the occupancy classifications but she hoped to stay below the threshold of requiring sprinklers. She pointed out that the catering kitchen that was in the original plan could be added if the assembly space is decreased. She mentioned that the duct work needed for the mechanical room will now be exposed which saves costs. To reduce structural load, she stated they have decreased the amount of glazing and translucent panels and increased the amount of metal roofing.

Mayor Graham pointed out that the need for a catering kitchen is important and would like to see that added back into the design.

Ms. Cecil replied that if the number of occupancy for the assembly space is reduced, the catering kitchen could be worked in.

Council Member Macaluso asked what the reduced number of people would be.

Ms. Cecil stated that it would be reduced to 50-60 people depending if the space was deemed as standing room or unconcentrated use with table and chairs. She is not sure how the space is going to be used.

John Wright, Executive Director of the Zoo stated that there will be events that people will need to sit and other events that people will be standing.

Council Member Burns remarked that this building is to be a learning center so they need to move forward to accommodate people sitting. She also commented that the catering kitchen is important and needs to be worked back into the plan.

Ms. Cecil mentioned that the kitchen could be designed in the area of the current mechanical room then the mechanical room could be put above the kitchen. She stated that a floor and access point would need to be constructed which would increase costs.

Mayor Graham asked if the mechanical room could be added onto the back of the building.

Mr. Wright indicated that the zoo's current space accommodates 40-45 people but there is a need for a space to accommodate 60-65 seated people. He noted there needs to be a small kitchenette with a microwave, coffee pot, sink and counters as well as a closet area to store educational animals.

Ms. Cecil stated that the mechanical area is 100 sq ft and if it was moved outside the footprint, there would be room to make a kitchen as well as a storage area.

Council Member Smith asked for the negative aspect of stacking the mechanical equipment above the restrooms.

Ms. Cecil advised that access to it for maintenance would be difficult.

Mrs. Corriveau pointed out that if a pipe burst in the mechanical room then additional repairs would be needed in the area below it as well.

In response to Council Member Butler's inquiry, Ms. Cecil responded that the storage room was intended for animals not knowing what the zoo needed for height and width space. She does not believe there is enough space for a boiler system in that area.

Mr. Talbolt pointed out that this equipment requires additional clearance space.

In response to Council Member Smith's inquiry, Ms. Cecil stated that she would prefer to use a hot water system due to the coiling system and the system could be used for cooling as well.

Mrs. Corriveau asked the size of the transparent pieces.

Ms. Cecil replied that they are approximately 6 ft in height and 4 ft in width and there are 9 pieces.

Mayor Graham asked Council if there is a general agreement of this design. Council agreed to move forward with the discussed modifications.

Ms. Cecil presented Council with information on a product which incorporates solar panels in the metal roofing. She stated that Council needs to decide if the energy will be stored and used only for this facility or if the City will sell the energy back to National Grid.

Council Member Butler asked how long this company has been doing this and if they can hear from companies using this product.

Ms. Cecil responded that it has been in use for 12 years and she will get a list of references.

Council Member Smith asked if the 100 amp box is connected to any other buildings.

Mr. Wright stated that the electric from the Aviary building goes to the Wolf and Bobcat areas.

Council Member Smith stated that the energy should be stored and used in these other areas.

Mayor Graham asked for clarification on where the solar panels would be mounted.

Ms. Cecil commented that they would be mounted above the windows on the east side because the other side is too heavily wooded. She referred Council to the picture in the handout and stated that the panel would be matched to the metal roofing.

Mr. Talbot suggested that the base bid have all metal roofing and Council asked for an alternate bid to include upgrading to a solar system.

Council Member Smith asked if NYSERTA Funding is available for this.

Ms. Cecil stated that she is still investigating this.

Mrs. Corriveau stated that there may be some challenges with this based on the City's agreement with National Grid. She said the City does not pay system benefit charges and system benefit charges fund the NYSERTA grants.

Mayor Graham agreed that the alternate bid was a good suggestion and Council should look into this further once the bids come in. Mayor Graham asked if the vestibule could be lengthened and joined to the janitor's room for the mechanical room.

Ms. Cecil replied that she was trying to keep the doors under the cover of the existing roof.

Mayor Graham asked if they should refer to this building as a learning center and questioned Council Member Burns for her thoughts on renaming this building.

Council Member Burns stated that she will defer to Mr. Wright on naming the building but would request the name be associated with former Mayor Burns.

Mr. Wright commented he will address this with the Zoo Board.

2011 Autumn Cleanup Program

A memorandum from the Department of Public Works summarizing the 2011 Autumn Cleanup Program was available for review by Council.

138 Court Street – Roof Drainage System

Council Member Butler asked for further explanation on the roof drainage repair needed at this property.

Mrs. Corriveau replied that Code Enforcement assessed the condition of the roof drainage system and provided Council with an estimate for the repairs. She stated that it was her understanding that Council wanted to move forward with the repairs but she wanted to provide Council with the estimated cost.

Council concurred that the repairs should be made.

426 Arsenal Street

Council Member Butler commented that he saw 3 cars displayed for sale at this lot that was denied the special use permit. He would like staff to investigate this.

Thompson Boulevard Curbing and Resurfacing

Council Member Butler remarked that he received an email from Patricia Schreck, 301 Thompson Boulevard asking for an update on the curbing and drainage problem on Thompson Boulevard. This email is not on file in the City Clerk's Office.

Mrs. Corriveau stated that she spoke with Ms. Schreck and explained that the paving that was done is temporary to stop the road from deteriorating further. She said that the City is not in a position to do curbing until a drainage design for the whole street is completed.

Council Member Butler commented that a majority of the residents on that section of Thompson Boulevard do not want curbs because they park their cars there and there is no grass on that side of the street.

Mr. Hauk remarked that the design work needs to be done so that the drainage is coordinated because solving this problem could cause other drainage problems.

Council Member Butler asked if curbing the corner along Ms. Schreck property could cause more drainage problems elsewhere.

Mr. Hauk stated that paving over top of what is there will increase water drainage down the resident's driveways. He pointed out that they need to take out what is there and replace it with a finished product that drains properly.

Eugene Hayes, Superintendant of Public Works stated that catch basins need to be in place wherever curbs exist and this portion of Thompson Boulevard does not have catch basins. He stated that they put a cap on the road surface to stabilize it for the winter and allow time to plan for the new design. He added that a new catch basin cannot be tied into the existing sanitary sewer and must be connected to a dedicated storm sewer.

Council Member Butler inquired about the crushed stone on the other side of the curbing that was done further down on Thompson Boulevard.

Mr. Hayes stated that a couple of years ago work was done to prevent the water drainage from going across the road. The stone on the back side of the curb is for support and it was too late in the season to plant grass.

135 Flower Avenue East

Council Member Butler stated that he received an email from Joseph Meyer, 135 Flower Ave East in regards to sewer backup in his basement. This email is not on file in the City Clerk's Office.

Mr. Hayes replied that he has spoken with Mr. Meyer. He pointed out that the City does not inspect laterals because it is the responsibility of the property owner. The property owner should hire a plumber to look at the lateral and the City will take their recommendation if the problem is on the right away line. He noted that the process was followed and the City will clean the line. He stated that this resident understands the process and is satisfied with the City's response. He

added that the Public Works Department does not have 24 hour staff and any after hour calls are taken by the Water Department then handed over to the DPW. He stated that the Water Department is given an updated phone list every 3 months.

Council Member Butler mentioned that time and money should be dedicated to fixing the old city streets that have a history of water main breaks and other issues before considering projects such as Palmer Street.

Parks and Recreation Positions

Council Member Smith stated he has received a number of questions from individuals who seem qualified in terms of education but they have received letters stating they did not meet the qualifications. He has questions as to the selection process and wondered if the qualification determination was done by a committee or by Civil Service.

Elizabeth Morris, Executive Secretary to Civil Service presented Council with a timeline of events and explained the committee consisted of Mary Corriveau, Eugene Hayes, John VanBrocklin, and herself. She stated that they met on 7/28/11 to review job duties and requirements and then she wrote a job specification which was approved by the Commission of 8/19/2011.

Council Member Smith read the minimum qualifications for the Superintendent's position noting that they are similar to the Program Manager except for the Education of Bachelor's Degree and Associate's Degree. He asked how the specific degrees were determined.

Ms. Morris clarified it was determined by the duties that would be performed by the positions. She added that Program Manager has physical education and recreation administration because they will be doing program management.

Council Member Smith asked for the definition of a related field.

Ms. Morris explained that if someone had an accounting and financial background, she went to the college website and read the degree requirements. She looked to see if business or public administration was outlined and stated finance would be a related field.

Council Member Smith commented that he researched Recreation Administration Degree and found that only one SUNY school offers a four year degree and two community colleges offer this degree.

Ms. Morris confirmed that there is not a list of related fields and that it is her determination. She reiterated that she researches the degree through the issuing college. She noted that with one candidate, she called the Dean of a college and asked him if he considered the degree a related field.

Council Member Smith remarked that common sense was left out of this process. He gave the example of an individual who obtained a Master's degree in secondary education and worked part-time for the Parks and Recreation Department for 12 years operating the T-ball program. This individual was informed that the education requirements were not met for the Program Manager Position. He stated that it is not his job to determine who gets hired but said this individual should at least be eligible. He expressed that this does not make sense to him and he does not know how to respond to these questions.

Ms. Morris stated that she does not share any information with anyone until she approves the application. Once an application is approved, she forwards the information to the City Manager. She explained that Civil Service was created to prevent jobs being exchanged for political favors. Any applications that she had any difficulty deciding on the qualifications, she took to the Commission for assistance. She stated that any disqualified candidate was given the opportunity to provide her with more information. She was only contacted by one individual.

Council Member Smith asked Mr. Hayes if the committee made any recommendation for the education.

Mr. Hayes responded he pushed for the need of an operational background and facilities management as well as economics. He stated that Civil Service needed to receive the application and determine whether the background was met. He commented that sometimes real life experience does not equate to the job at hand but if it is a reasonable application then they should take a closer look at it.

Mayor Graham reviewed that history of events leading to this conversation and stated that the job specifications were available to everyone for review. He indicated that the discussion occurring is on pre August 16th topics and hoped that the City would be on the verge of hiring for these positions. He suggested that problems should have been addressed prior to this.

Council Member Smith responded that he is receiving phone calls on the process now and cannot give answers.

Mrs. Corriveau pointed out that anyone calling the City Manager's office with questions is being forwarded to Ms. Morris.

Ms. Morris indicated that there is no “either or” with Civil Service. She commented that there is a certain level that should come to the table for a department head. She confirmed that she returned phone calls to everyone who inquired. She added that she called some people and told them that she is sure they could do the job but Civil Service by New York State law states they do not meet the requirements.

Mayor Graham clarified that Council should refer any individual with questions to Ms. Morris.

Council Member Butler thanked Ms. Morris for her hard work. He agreed with Council Member Smith in that the City may be missing out on some candidates because of the stringent requirements. He suggested that this should be looked into for the future.

518 Coffeen Street

Mayor Graham stated that he received a letter complaining about 518 Coffeen Street and it is his understanding that this issue has been referred to the Code Enforcement Department. He asked Mrs. Corriveau to update him on this situation so that he can respond to the letter.

Part-time City Judge Position

Mayor Graham reminded Council that December 15, 2011 is the submission deadline for the Part-time City Judge Position.

Tree Lighting Ceremony

Mrs. Corriveau noted that the Tree Lighting Ceremony is scheduled for November 30, 2011 beginning at 5:15 p.m. and the actual tree lighting will be at 6:00 p.m.

Parks and Recreation Accounts Receivable Status

Mrs. Corriveau presented Council will a customer status report listing the aging of the account receivable amounts for each customer.

Mr. Mills stated that his department continues to work on collecting the outstanding amounts.

Mayor Graham asked if the aging reports have always been done in the past.

Mr. Mills responded that they have been done more in this past year and noted that this report includes everything as a whole as of today.

Mayor Graham asked if someone with a balance over 60 days loses the ability to book the facility.

Mrs. Corriveau explained that statements have gone to everyone that is delinquent stating that they are not allowed to book the facilities until their bill is paid.

In response to Council Member Smith's inquiry, Mrs. Corriveau explained that the second page of the report gives more detail of the aging of the balance.

Mayor Graham stated the Sports Partners' balance is over three years old and asked for the status of this.

Mrs. Corriveau responded that this account has been referred to the City Attorney.

Council Member Butler questioned the YMCA's balance.

Mr. Mills replied that he spoke with them today and they agreed the balance is from the Red Bull Camp. He confirmed this was invoiced in May of this year and the YMCA intends to pay shortly. He summarized that over the past six months approximately \$200,000 has been collected and most of the major customers, such as the Wizards and Minor Hockey, have paid their balance.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 8:45 P.M. by motion of Council Member Joseph M. Butler, Jr. , Seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof.

Ann M. Saunders
Deputy City Clerk